

E-mail: [comsec@teignbridge.gov.uk](mailto:comsec@teignbridge.gov.uk)

15 May 2023

## **ANNUAL COUNCIL**

Annual Council will be held on **Tuesday, 23rd May, 2023** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.00 am**

PHIL SHEARS  
Managing Director

### **Membership:**

Councillors Atkins, Bradford, Bullivant, Buscombe, Clarence (Vice-Chair), D Cox, H Cox, Daws, Dawson, Farrand-Rogers, Foden, Gearon, Goodman-Bradbury, Hall, Hayes, Henderson, Hook, Jackman, James, Jeffries, Keeling, Lake, MacGregor, Morgan, Mullone, Nutley, Nuttall (Chair), Palethorpe, C Parker, P Parker, Parrott, Peart, Purser, Radford, Rogers, Rollason, Ryan, Sanders, Smith, Steemson, Swain, G Taylor, J Taylor, Thorne, Webster, Williams and Wrigley

**Please Note:** The public can view the live streaming of the meeting at [Teignbridge District Council Webcasting \(public-i.tv\)](#) with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public.

## **A G E N D A**

### **Part I**

#### **4. Minutes** (Pages 3 - 14)

To approve as a correct record and sign the minutes of the Extraordinary Council meeting 14 February 2023 and the Council meeting 21 February 2023.

If you would like this information in another format, please telephone 01626 361101 or

e-mail [info@teignbridge.gov.uk](mailto:info@teignbridge.gov.uk)

## **FULL COUNCIL**

**14 FEBRUARY 2023**

Present:

Councillors Austen, Bradford, Bullivant, Clarence (Vice-Chair), Colclough, Connett, D Cox, Daws, Dewhirst, Foden, Goodman-Bradbury, Gribble, Haines, Hayes, G Hook, J Hook, Jeffery, Jenks, Keeling, MacGregor, Mullone, Nutley, Nuttall (Chair), Parker, Patch, Peart, L Petherick, Purser, Rollason, Russell, Swain, Taylor and Wrigley

Apologies:

Councillors H Cox, Eden, Evans, Hocking, Jeffries, Kerswell, Morgan, J Petherick, Phipps, Thorne and Tume

Officers in Attendance:

Trish Corns, Democratic Services Officer  
Martin Flitcroft, Chief Finance Officer & Head of Corporate Services  
Christopher Morgan, Trainee Democratic Services Officer  
Amanda Pujol, Head of Community Services and Improvement  
Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer  
Paul Woodhead, Head of Legal Services & Monitoring Officer to the Council

### **12. DECLARATIONS OF INTEREST**

Cllr Patch declared an interest in respect of the matter under consideration at this meeting he stated he would stay in the meeting room during the debate.

It was proposed by the Chair and seconded by Cllr Swain that Cllr Patch be no further heard on this matter. This was put to the vote and carried.

A recorded vote was asked for by at least five Members under Procedure Rule 4.13.5.

Recorded vote under Procedure Rule 4.13.5

*For: Cllrs Austen, Bullivant, Colclough, Connett, D Cox, Dewhirst, Foden, Goodman-Bradbury, Haines, Hayes, G Hook, J Hook, Jeffery, Keeling, Nutley, Parker, Peart, Purser, Rollason, Russell, Swain, Taylor, Wrigley, Nuttall and Clarence  
(25 members)*

*Against: Cllrs Bradford, Daws, MacGregor and Mullone  
(4 members)*

*Abstention: Cllrs Gribble, Jenks and L Petherick  
(3 members)*

*Note Voted: Cllr Patch  
(1 member)*

*Absent: Cllrs H Cox, Eden, Evans, Hocking, Jeffries, Kerswell, Morgan, Orme, Khan, J Petherick, Phipps, Thorne and Tume.  
(13 members)*

Cllr Daws declared an interest as the Ombudsman report had been brought about as a result of a complaint that the Council had brought with regards to himself. He stated that he would take part in the meeting.

**13. REPORT BY THE LOCAL GOVERNMENT AND SOCIAL CARE  
OMBUDSMAN REFERENCE NUMBER: 21 004 645**

The Leader proposed to delete recommendations 1-3 of the Report and insert the following recommendations that:-

The Council notes and accepts without reservation the content and recommendations of the Ombudsman Report, and agrees:

1. The Council apologises to Cllr Daws noting and accepting the apology presented by the Leader on 19 January and renewed at today's meeting.
2. To rescind & remove the Decision Notice dated 22 July 2020, replacing it with a statement stating the Notice has been withdrawn following an investigation and a provide a link to the Ombudsman Report.
3. That the Managing Director, on behalf of the Council, apologises to Cllr Daws within 7 working days.
4. That the Managing Director apologises to Council for the matters identified by the Ombudsman in the Public Interest Report.
5. That the Council refers its former Solicitor & Monitoring Officer and the Ombudsman Report to the Solicitors Regulation Authority for consideration.
6. A robust programme of training on Standards and the complaints process is provided jointly for all councillors and the Senior Management Team within 3 months of the new Council being established this May.
7. A report is published within 4 weeks in the Members' Newsletter and on the Council website setting out how procedures for receiving and processing Standards Complaints have been updated to comply with the recommendations of the Ombudsman Report.

8. Any further procedural changes to put into effect the Ombudsman Recommendations are conducted under the oversight of the Procedures Committee.
9. Council also believes the Ombudsman Service's interpretation of the Localism Act may have an impact all other local authorities and is, therefore, a matter of wider local government interest. The Council's Head of Legal Services writes to the Secretary of State and the Local Government Association seeking further clarity with regard to:
  - a. Whether the Ombudsman has effectively created a new Appeal Process and suggested process changes above that required by legislation.
  - b. The role of the Ombudsman Service which has, previous to Cllr Daws complaint and subsequently, declined to consider councillors complaints about Standards.
  - c. The interpretation of the Localism Act, the Nolan Principles and the inter-relationship with the Human Rights Act
  - d. The duty of Councils to protect employees from bullying, harassment and intimidation.
10. The Council issues a News Release to inform the public of the actions agreed at this meeting.

This was seconded the Executive Member for Recycling, Household Waste and Environmental Health.

Cllr Daws proposed an amendment that:-

- (1) Cllr Mullone is given the same apology as Cllr Daws and:-
- (2) Other Standards procedures since 2018 be deemed as unsafe.

This was seconded by Cllr MacGregor, put to the vote and lost.

A recorded vote was asked for by at least five Members under Procedure Rule 4.13.5.

*For: Cllrs D Cox, Daws and MacGregor.  
(3 members)*

*Against: Cllrs Austen, Bullivant, Colclough, Connett, Dewhirst, Foden, Goodman-Bradbury, Gribble, Haines, Hayes, G Hook, J Hook, Jeffery, Keeling, Nutley, Parker, Peart, L Petherick, Purser, Rollason, Russell, Swain, Wrigley, Nuttall and Clarence.  
(25 members)*

*Abstention: Cllrs Bradford, Jenks and Taylor  
(3 members)*

*Not Voted: Cllrs Mullone and Patch.  
(2 members)*

*Absent: Cllrs H Cox, Eden, Evans, Hocking, Jeffries, Kerswell, Morgan, Orme, Khan, J Petherick, Phipps, Thorne and Tume.  
(13 members)*

The substantive motion as amended was put to the vote and carried.

**RESOLVED** that:-

The Council notes and accepts without reservation the content and recommendations of the Ombudsman Report, and agrees:

1. The Council apologises to Cllr Daws noting and accepting the apology presented by the Leader on 19 January and renewed at today's meeting.
2. To rescind & remove the Decision Notice dated 22 July 2020, replacing it with a statement stating the Notice has been withdrawn following an investigation and a provide a link to the Ombudsman Report.
3. That the Managing Director, on behalf of the Council, apologises to Cllr Daws within 7 working days.
4. That the Managing Director apologises to Council for the matters identified by the Ombudsman in the Public Interest Report.
5. That the Council refers its former Solicitor & Monitoring Officer and the Ombudsman Report to the Solicitors Regulation Authority for consideration.
6. A robust programme of training on Standards and the complaints process is provided jointly for all councillors and the Senior Management Team within 3 months of the new Council being established this May.
7. A report is published within 4 weeks in the Members' Newsletter and on the Council website setting out how procedures for receiving and processing Standards Complaints have been updated to comply with the recommendations of the Ombudsman Report.
8. Any further procedural changes to put into effect the Ombudsman Recommendations are conducted under the oversight of the Procedures Committee.
9. Council also believes the Ombudsman Service's interpretation of the Localism Act may have an impact all other local authorities and is, therefore, a matter of wider local government interest. The Council's Head of Legal Services writes to the Secretary of State and the Local Government Association seeking further clarity with regard to:

- a. Whether the Ombudsman has effectively created a new Appeal Process and suggested process changes above that required by legislation.
  - b. The role of the Ombudsman Service which has, previous to Cllr Daws complaint and subsequently, declined to consider councillors complaints about Standards.
  - c. The interpretation of the Localism Act, the Nolan Principles and the inter-relationship with the Human Rights Act
  - d. The duty of Councils to protect employees from bullying, harassment and intimidation.
10. The Council issues a News Release to inform the public of the actions agreed at this meeting.

A recorded vote was asked for by at least five Members under Procedure Rule 4.13.5.

*For: Cllrs Austen, Bullivant, Colclough, Connett, D Cox, Dewhurst, Foden, Goodman-Bradbury, Gribble, Haines, Hayes, G Hook, J Hook, Jeffery, Keeling, Nutley, Parker, Peart, L Petherick, Purser, Rollason, Russell, Swain, Taylor, Wrigley, Nuttall and Clarence.*  
*(27 members)*

*Against: NIL*

*Abstention: Cllrs Bradford, Daws, Jenks and MacGregor*  
*(4 members)*

*Note Voted: Cllrs Mullone and Patch*  
*(2 members)*

*Absent: Cllrs H Cox, Eden, Evans, Hocking, Jeffries, Kerswell, Morgan, Orme, Khan, J Petherick, Phipps, Thorne and Tume.*  
*(13 members)*

The meeting started at 10.00 am and finished at 11.24 am.

Chair

This page is intentionally left blank



## **FULL COUNCIL**

**21 FEBRUARY 2023**

Present:

Councillors Austen, Bradford, Bullivant, Clarence (Vice-Chair, in the Chair), Colclough, Connett, D Cox, H Cox, Daws, Dewhirst, Foden, Goodman-Bradbury, Haines, Hocking, G Hook, J Hook, Jeffries, Keeling, MacGregor, Mullone, Nutley, Parker, Purser, Rollason, Swain, Taylor and Wrigley

Apologies:

Councillors Eden, Gribble, Hayes, Jeffery, Jenks, Kerswell, Morgan, Nuttall, Patch, Peart, J Petherick, L Petherick, Russell, Thorne and Tume

Officers in Attendance:

Trish Corns, Democratic Services Officer  
Martin Flitcroft, Chief Finance Officer & Head of Corporate Services  
Christopher Morgan, Trainee Democratic Services Officer  
Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer  
Phil Shears, Managing Director  
Paul Woodhead, Head of Legal Services & Monitoring Officer to the Council

### **14. MINUTES**

It was proposed by the Leader, subject to an amendment that Cllr MacGregor voted against the Local Plan and seconded by the Executive Member for Recycling, Household Waste and Environmental Health that the minutes be approved.

**RESOLVED** that the minutes of the meeting 12 January 2023 be approved subject to an amendment that Cllr MacGregor voted against the Local Plan and were signed as a correct record by the Vice-Chair.

### **15. DECLARATIONS OF INTEREST**

Cllr MacGregor declared an interest in respect of minute no.16 - Notice of Motion Closure of Teignmouth Hospital - as he had a role on the N.H.S Foundation Trust.

**16. RECOMMENDATION FROM EXECUTIVE 7 FEBRUARY 2023 - NOTICE OF MOTION CLOSURE OF TEIGNMOUTH HOSPITAL**

The Leader proposed the recommendation from Executive, this was seconded by the Executive Member for Recycling, Household Waste and Environmental Health.

This was put to the vote and carried unanimously.

**RESOLVED that:-**

- (1) the Council asks the Managing Director to write to: The Chairs and Chief Executives of the Torbay & South Devon NHS Foundation Trust, Devon Clinical Commissioning Group, the relevant Members of Parliament and the Secretary of State for Health asking for a review of the hospital closure plans, mindful of the pressures on local acute hospitals through delayed discharges to other appropriate provision;
- (2) The Council contact the Chair of Devon County Council's Health and Adult Social Care Scrutiny Committee - Cllr Randall-Johnson – requesting that the committee write to the Secretary of State for Health and Social Care to ask for a review of the planned closure of Teignmouth Hospital:-
- (3) Overview and Scrutiny Committee (2) to consider undertaking a review of the closure of Cottage Hospitals in the district and:-
- (4) The Council write to the Chair of the Integrated Care System for Devon - Dr S Wollaston - the Chief Executive of the Integrated Care System Board - Ms J Milligan – and the Regional Medical Director and Higher Level Responsible Officer for the South Region of NHS England – Dr N Acheson - to ask for a review of Teignmouth Hospital closure plans.

A recorded vote was asked for by at least five Members under Procedure Rule 4.13.5.

Recorded vote under Procedure Rule 4.13.5

*For:*

*Cllrs Austen, Bradford, Bullivant, Clarence, Colclough, Connett, D Cox, H Cox, Daws, Dewhirst, Evans, Foden, Goodman-Bradbury, Haines, Hocking, J Hook, Jeffries, Keeling, MacGregor, Mullone, Nutley, Parker, Purser, Rollason, Swain, Taylor and Wrigley.*

*(27 members)*

*Against:0*

*Abstention:0*

*Absent: Cllrs Eden, Gribble, Hayes, G Hook, Jeffery, Jenks, Kerswell, Morgan, Orme, Khan, Patch, Peart, J Petherick, L Petherick, Phipps, Russell, Thorne, Tume and Nuttall.*  
(19 members)

## **17. BUDGET AND COUNCIL TAX 2023/24**

The Executive Member for Corporate Resources proposed the recommendation from the Executive in relation to the Final Financial Plan Proposals, 2022/23 to 2025/26, this was seconded by the Leader.

In presenting the budget, the Executive Member for Corporate Resources thanked officers for their preparation of the budget.

The Leader thanked the Senior Leadership Team for their work in response to the COVID and maintaining the budgets and all of the council staff for their hard work, diligence and advice they had provided over the past four years.

### **RESOLVED that:-**

- a That the Teignbridge band D council tax for 2023/24 is increased by 2.99% or £5.54 to £190.71 per annum
- b Providing a one-off cost of living payment of £5.54 to households liable to pay council tax on their main home on 1 April 2023 in 2023/24
- c That general reserves are increased to 13.0% of the net revenue budget for 2023/24 or £2.3 million
- d That £100,000 of the general reserve balance in any one year continues to be available to the Executive to meet unexpected expenditure in addition to the agreed revenue budget
- e All other decisions with regard to budgetary change will be approved by reference to virement rules in the financial instructions
- f That the summary revenue budget for 2023/24 is £17.6 million as shown at appendix 4. In particular the revenue budget includes:
  - Assumptions of a 3.0% pay rise for 2023/24
  - Revenue contributions to fund capital continue are reintroduced at £300,000 to support the capital budget
  - Voluntary grants are maintained at current levels

- A 'Tidy Teignbridge' pot is maintained for year 2 of the scheme for 2023/24 at £20,000
  - The councillors community fund grant is £1,000 each
  - A payment of £500,000 to reduce the pension deficit
  - Provision for an Emergency Planning Officer, Digital Transformation Manager and other temporary resources
- g That fees and charges are approved as shown summarised at appendix 6.
- h That the capital programme as shown at appendix 7 is approved. In particular this includes:
- Increasing jobs and homes through continuing support for housing whilst backing business and encouraging community-led planning. Work continues on the Teignbridge 100 affordable housing project with two sites in Newton Abbot completed. An increasing rented programme across urban and rural sites has commenced and delivery will continue over the next 3 years of the programme.
  - Continuing investment for climate change projects following successful funding bids for low carbon heating and energy system improvements. Schemes have been completed at leisure sites and the Council offices are nearing completion with further provisions under the Carbon Action Plan.
  - Infrastructure delivery plan investment contributing to improving education, transport links, sports and open spaces
- Regeneration investment, including town centre investment and the Government Future High Street Fund grant schemes aimed at improving town centres and stimulating growth in the local economy. This will have a positive impact on Newton Abbot and the wider Teignbridge economy. Co-funding includes CIL, grant from other sources and prudential borrowing. There is also an indicative provision for employment site investment to be funded through prudential borrowing. A business case will be brought to members for consideration once it is finalised.
- i That the Financial Plan 2023 to 2028 is approved as set out in appendix 8
- j That the prudential indicators are noted and the prudential limits approved all as set out in appendix 11

- k That the updated treasury management strategy statement and authorised lending list as set out in appendix 12 is approved together with the capital strategy in appendix 12a
- l That each scheme will be considered on its merits as explained at the end of appendix 12 to decide the calculation of minimum revenue provision for capital expenditure in 2023/24
- m That the council tax resolutions as recommended in appendix 15 are approved
- n That the treasury management mid year review for 2022/23 as taken to Executive on 7 February 2023 and shown as appendix 16 is noted

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 the vote was recorded.

*For: Cllrs Austen, Clarence, Colclough, Connett, D Cox, H Cox, Dewhirst, Evans, Foden, Goodman-Bradbury, Haines, J Hook, Jeffries, Keeling, MacGregor, Nutley, Parker, Purser, Rollason, Swain, Taylor and Wrigley.  
(22 members)*

*Against: Cllr Hocking  
(1 member)*

*Abstention: Cllrs Bradford, Bullivant, Daws, G Hook and Mullone.  
(5 members)*

*Absent: Cllrs Eden, Gribble, Hayes, Jeffery, Jenks, Kerswell, Morgan, Orme, Khan, Patch, Peart, J Petherick, L Petherick, Phipps, Russell, Thorne, Tume and Nuttall.  
(18 members)*

## **18. COMMUNITY GOVERNANCE REVIEW FOR OGWELL PARISH**

The Local Ward Member, Cllr Colclough proposed the recommendation to increase the number of members on Ogwell Parish Council by two, this was seconded by the Leader and the Local Ward Member Cllr Daws.

**RESOLVED** that the increase of the number of members on Ogwell Parish Council by two be approved.

The vote was unanimous.

## **19. RECOMMENDATION FROM STRATA JOINT EXECUTIVE 17 JANUARY**

## **2023 - STRATA BUSINESS PLAN**

The Executive Member for Recycling, Household Waste and Environmental Health proposed that Teignbridge District Council approve the Strata Business Plan 2023-24. This was seconded by the Executive Member for Homes, Communities, IT & Cost of Living Crisis and carried.

**RESOLVED** that the Strata Business Plan 2023-24 be approved.

## **20. NOTICES OF MOTION**

The Executive Member for Sport, Recreation and Culture presented and proposed his Notice of Motion regarding wild camping on Dartmoor National Park. This was seconded by Cllr MacGregor.

Two-Thirds of the Council agreed that the item be dated at this meeting.

**RESOLVED** that:-

- (1) Teignbridge Council joins with the thousands of Devon residents and beyond shocked and appalled by the effective ban on wild camping on Dartmoor arising from a recent court decision;
- (2) This Council supports Dartmoor National Park in its rightful and spirited defence of wild camping, a right enjoyed by generations of local people and visitors;
- (3) Council condemns the loss of this right and calls on Government to enact urgent legislation to reinstate wild camping and protect the rights of people to fully enjoy Dartmoor; and
- (4) Council asks the Leader and Managing Director to write in the strongest terms to Members of Parliament for the Teignbridge district, the relevant Secretaries of State and the Prime Minister urging them to act to restore the right to wild camp on Dartmoor.

The vote was unanimous.

In the absence of Cllr Patch, Cllr Daws presented and proposed the Notice of Motion regarding the Councils administration. This was seconded by Cllr Mullone.

The Notice of Motion was put to the vote and lost.

The meeting started at 10.11 am and finished at 12.17 pm.

Chair